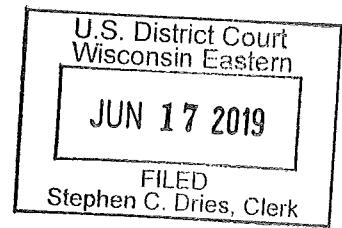


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN



MEMORANDUM IN SUPPORT OF MOTION FOR MEDICAL EXPERT COSTS

A This Court expressed itself as a medical expert in this case: "...*the fact that Bernegger appears healthy....*" See Doc.72 p.2. Asking Judicial Notice a US District Court judge is not a medical expert; also where Judge Griesbach expressed surprised at the May 24, 2019 hearing that he didn't even know Bernegger had severe health conditions.

B There is no testimonial evidence on the record whatsoever Judge has medical licensing, schooling, training or experience. The same for opposing counsel AUSA Roach. The same for probation officer Kevin Norman. It is shown Judge Griesbach already has a preconceived notion in his head Bernegger is free to work any job, and Bernegger has no health issues. See all of Doc.72 p.1-2. Yet neither him or this Court has provided to date any explanation or details of Bernegger's seizures, why Bernegger gets injections in his low back, why his right knee locks up and he can't walk, or of the many other aliments. Yet the Court heard zero testimonial evidence from any government witness, or any other witness, that Bernegger was or is able to work any job. It heard no testimony whatsoever '*Bernegger appears healthy*'. It

being able to perform several types of jobs, at the May 24, 2019 hearing. See May 24<sup>th</sup> hearing transcript (has not been delivered to Bernegger yet). In fact it was the first time, with the Court even expressing surprise, that there are health conditions greatly limiting Bernegger's work. See May 24 hearing transcript. This, even though Bernegger repeatedly told his probation officers Koehler, then Norman of such issues. Neither probation officer ever asked Bernegger for his medical records prior to that hearing. Thus once again we have Green Bay probation officers lying to a federal Court by omission.

C Bernegger has health issues greatly limiting his ability to apply for, let alone work, certain jobs. A very large number require lifting 50, 75 and even 100 pounds for example. Others require operating heavy equipment. Other require driving at high speeds on a highway or running a machine raising safety issues. More require repetitive motion. Some require good balance. He is obtaining his medical records which will show his various health conditions. However, there are no medical experts in the Judiciary as the record in this case if void of any such mention. Judge Griesbach is not. AUSA Roach is not. Probation Office Norman is not. Showing an expert is needed in the medical field who can assist in putting the health issues of Bernegger on the records as evidence. Further to perform an interpretation of the medical records. To testify to the severity of the issues and how they prevent Bernegger working such jobs as stated above.

D This Court has numerous, current financial affidavits and monthly reports showing Bernegger cannot afford to pay for a medical expert for his defense.

## CONCLUSION

For the reasons given above Bernegger requests this Court grant this motion promptly so as he can defend himself at the upcoming July 12 hearing. Especially as the Court has established an incorrect preconceived notion of Bernegger's health.



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